

REMARKS/ARGUMENTS

The timely filed Reply is in response to the Office Action dated August 24, 2004. In the Office Action, Claims 1-16 were pending, and all claims were rejected. In this Reply, no claims have been amended, added nor cancelled. No new matter has been added.

Claims 1-16 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,598,409 to Shyy ("Shyy '409") in view of U.S. Patent No. 6,148,635 to Beebe et al. ("Beebe '635"). As described below, a Terminal Disclaimer is submitted herewith. Applicants authorize the statutory fee for the Terminal Disclaimer to be charged to Deposit Account No. 50-0951.

The present application and Shyy '409 are both currently assigned to the University of Florida Research Foundation, Inc. Although Applicants respectfully disagree with the obviousness type double patenting rejection, an executed Terminal Disclaimer is provided herewith to overcome the double patenting rejection. Accordingly, the application should be in condition for allowance.

The Examiner is invited to call the undersigned (at 561-671-3662) if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. The Commissioner for Patents is hereby authorized to charge any deficiency in fees due with the

filing of this document and during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

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